

DETAILED ACTION

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Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-4 and 18-19 in the reply filed on 4/16/09 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong (20020116775A1).

Wong discloses the claimed invention as claimed in the claims. Wong discloses a device an electronic tooth brush having a finger grip (105), a housing (112), a cleaning brush (101), a connecting member (111), a motor (106), switch (107), and planer gears (315).

4. Claims 1-4 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Peifer (5699575).

Peifer discloses the claimed invention as claimed in the claims. Peifer discloses a device an electronic tooth brush having a finger grip (12), a housing (44), a cleaning brush (22), a connecting member (56), a motor (28&32), and switch (38).

5. Claims 1-4 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Klinger et al (5561881).

Klinger et al discloses the claimed invention as claimed in the claims. Klinger et al discloses a device an electronic tooth brush having a finger grip (100), a housing (220), a cleaning brush (140), a connecting member (160), a motor (120), and switch (150).

Response to Arguments

6. **Applicant's arguments filed 12/21/09 have been fully considered but they are not persuasive.**

7. **Applicant has amended the claims in order to read over the prior art.**

a. The applicant states that the connection member is always connected to drive source. However, there is nothing in the claims that state the actual connection cannot be in two parts which would mean a part would always be connected and the other part is detachable. This is not the intent of the amendment however, the language is broad enough to read on the amended language. In regard to claim 19, this rewording does not change the claim enough for the prior art not read on it. Therefore, the rejection still stands at present.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3727

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